

## REMARKS

Newly presented claims 36 – 51 are now pending in the instant application. Rejected claims 1 – 35 are hereby cancelled without prejudice. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

### *Comments on Cited Prior Art*

The Examiner rejected cancelled claims 1 – 35 with reference to Leak et al. (US 5,937,424), Brown et al. (US 6,201,739), and Hazen et al. (US 6,088,264). Applicants respectfully submit that newly presented claims 36-51 are novel and nonobvious over the cited prior art.

Independent claim 32 now recites a memory device including a code partition and a data partition and performing a data operation on the data partition while performing the read operation on the code partition, and suspending the data operation if the first function executed directly from the code partition determines whether a preempting data operation with priority over the first data operation is detected. It is further noteworthy that claim 36 recites that the first function is code stored on the code partition—not hardware circuitry external to the actual memory array even though the hardware circuitry is included as part of a flash circuitry system.

In the previous Office Action issued 8/23/2005, the Examiner stated that the background section of Leak teaches functions accessed directly from a code partition to be used to perform data operation (section 25, page 15 of Office Action). However, Applicants have reviewed the background section and find no mention of this. In fact, Leak clearly discloses shadowing code from flash into volatile memory and executing therefrom (see, e.g., *Leak*, col. 4, lines 7-17). Applicants kindly request that the Examiner point out with specificity the exact language in the background relied upon.

In the previous Office Action issued 8/23/2005, the Examiner relied upon erase suspend circuitry 192 illustrated in FIG. 6 of Leak as teaching a suspend function being stored within a code partition (section 26, page 16 of Office Action). Claim 36 recites a first function stored as code on a code partition and subsequently recites that the first function is executed to implement a suspend function. Clearly, erase suspend **circuitry** 192 is not **code** and is not **code stored** to a partition of a memory device. It is not a fair

interpretation of FIG. 6 to say that erase suspend **circuitry** 192 is code stored to a partition of the memory array illustrated as off the page by the arrow on the right. It clearly is disclosed as circuitry (not code) coupled externally to a memory array (not an entity stored on a partition of the memory array). Applicants are not disagreeing that erase suspend circuitry 192 is a hardware component of the flash control circuitry.

The Examiner states that Brown discloses operations having different priorities and cites col. 12, line 39 to col. 13, line 56 of Brown in support thereof (section 27, page 16 of Office Action). However, Brown does not disclose a function stored as code on a partition of a memory device executed **during** operation of a data operation on another partition of the memory to determine whether or not to suspend the data operation. Similar to Leak, FIG. 10 of Brown discloses program suspend circuitry 195 (FIG. 6) or system suspend circuitry 202 (FIG. 10) as a hardware entity external to memory array 150 or flash EPROM 110. Again, it is not a fair interpretation of Brown to suggest that system suspend circuitry 195 (FIG. 6) is equivalent to code stored on a partition of memory array 150 (FIG. 6). Applicants respectfully submit that **system suspend circuitry 195 (or 202) is neither code nor an entity stored within a partition of memory.**

Finally, the Examiner states that Brown discloses that system suspend circuitry 202 can be part of the system or part of the EPROM (section 31, page 17 of OA). However, whether or not Brown teaches that system suspend circuitry 202 is part of the system or EPROM still does not disclose or teach a suspend logic embodied as code stored on a partition of memory and it certainly does not disclose executing this function (1) directly from the partition of memory, (2) while a data operation is being performed on another partition of the memory, and (3) to suspend this data operation.

## CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the

undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

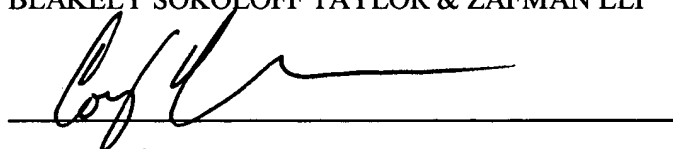
### CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

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